IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 26866 of 2007(W)

PETITIONERS:

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1. BABU.K.K., KOTTILAPPILLY HOUSE,
   CHERAI, ERNAKULAM DISTRICT.

2. ARAVINDAN, EREZHATH HOUSE, CHERAI,
   ERNAKULAM DISTRICT.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
   SECRETARY, DEPARTMENT OF EXCISE,
   THIRUVANANTHAPURAM.

2. KERALA STATE BEVERAGE CORPORATION,
   REP. BY ITS MANAGING DIRECTOR,
   THIRUVANANTHAPURAM.

3. EXCISE COMMISSIONER,
   OFFICE OF THE EXCISE COMMISSIONER,
   THIRUVANANTHAPURAM.

4. DEPUTY EXCISE COMMISSIONER,
   ERNAKULAM.

5. PALLIPPURAM PANCHAYATH,
   REP. BY ITS SECRETARY,
   PALLIPPURAM.

BY ADV. SRI.MILLU DANDAPANI
SRI.T.A.SHAJI
SMT.T.V.NEEMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 26866/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE REPRESENTATION DATED 20.8.2007 PREFERRED BY THE PETITIONERS TO THE 1ST RESPONDENT.

EXT. P2 : TRUE COPY OF THE REPRESENTATION DATED 20.8.2007 PREFERRED BY THE PETITIONERS TO THE 2ND RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No. 26866 of 2007

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Dated this the 1st day of November, 2007

JUDGMENT

The case of the petitioners in brief is as follows:

Petitioners are permanent residents of Pallippuram Panchayat. There is a road called Nelson Mandela Pocket Road, which is on the right side of Cherai - Munambam road. It is the sole road for the petitioners to reach their homes. There are more than 50 families residing on the sides of the said road. They also depend the above road to reach their homes. The width of the road is only 2.5 meters. The second respondent (Kerala State Beverages Corporation) has taken a decision to start an Indian made foreign liquor shop in Building No. 10/364 situated on the side of the road. Petitioners have approached various authorities. But there is inaction. Petitioners have produced Ext.P3 purported to be filed under Rule 6 sub clause (3) of the Kerala Abkari Shops Disposal Rules. I feel that a decision can be directed to be taken on the same with opportunity of hearing to the parties.

The writ petition is disposed of directing the third respondent to

consider and take a decision on Ext.P3 in accordance with law with opportunity of hearing to the petitioners, and respondents 2 and 5 or their representatives within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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